



Senate Committee On
**COMMERCE, ECONOMIC
OPPORTUNITIES, AND
CONSUMER SERVICES**

Rudy Garcia, Chair
JD Alexander, Vice Chair

Meeting Packet

Monday, April 19, 2004

11:30 a.m. – 1:30 p.m.

412 Knott Building

***(Please bring this packet to the committee meeting.
Duplicate materials will not be available.)***

E X P A N D E D A G E N D A

COMMITTEE ON COMMERCE, ECONOMIC OPPORTUNITIES, AND CONSUMER SERVICES

Senator Garcia, CHAIR
Senator Alexander, VICE-CHAIR

DATE: Monday, April 19, 2004

TIME: 11:30 a.m. -- 1:30 p.m.

PLACE: The Pat Thomas Committee Room, 412 Knott Building

(MEMBERS: Senators Bennett, Diaz de la Portilla, Haridopolos, Jones, Klein, Lynn, Margolis, Miller, Saunders, Wasserman Schultz, Wilson and Wise)

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 2718 Klein (Identical H 1035)	Business Corp. Act/Shareholders; clarifies corporate action entitling shareholder to certain appraisal rights & payments for shares; provides requirements, procedures, & limitations on court actions; requires corporate payments under certain circumstances; revises certain notice requirements for dissolved corporations; revises procedure to clarify exemption for certain claims against said corporations being barred, etc. Amends 607.1302,.1407; creates 607.1330.	
		JU 03/30/04 FAVORABLE GO 04/13/04 FAVORABLE CM 04/19/04	
2	CS/SB 1586 Regulated Industries / Constantine (Similar H 0261, Compare CS/S 0520, S 1352)	Swimming Pool & Spa Contracting; specifies when person may perform specialty contracting services for construction, remodeling, repair, or improvement of swimming pool or spa without obtaining local professional license; requires local authority to permit local registration, as specified, as alternative to other local licenses; creates Swimming Pool & Solar Technical Advisory Committee of Florida Building Commission, etc. Amends 489.117; creates 553.8414.	
		CP 02/16/04 FAVORABLE RI 03/17/04 CS CM 03/30/04 Temporarily postponed CM 04/19/04	

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2718

SPONSOR: Senator Klein

SUBJECT: Florida Business Corporation Act

DATE: April 16, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Lang	JU	Favorable
2.	Rhea	Wilson	GO	Favorable
3.	Kruse <i>MK</i>	Maclure <i>EW</i>	CM	
4.				
5.				
6.				

I. Summary:

This bill is designed to correct some issues from the 2003 comprehensive overhaul of the Florida Business Corporation Act. The bill extends certain shareholder rights to a shareholder whose shares are authorized on or after October 1, 2003, if the shares are within a class prescribed in the articles of incorporation before October 1, 2003. The bill also revises certain other shareholders' rights, including the right to initiate a court proceeding to determine the fair value of shares when a shareholder demands payment from a corporation for the shareholder's shares because of certain actions taken by the corporation. The bill also revises the procedures that follow from the initiation of the court proceeding to determine the fair value of shares. Additionally, the bill clarifies the procedures for a dissolved corporation to notify the public that the corporation has dissolved in order to give the public time to file any claims against the dissolved corporation. The statute of limitations relating to the filing of unknown claims against a dissolved corporation is also clarified.

This bill amends sections 607.1302 and 607.1407, Florida Statutes, and creates section 607.1330, Florida Statutes.

II. Present Situation:

Florida Business Corporation Act

Chapter 607, F.S., the Florida Business Corporation Act (act), provides for the regulation of corporations. The act was adopted by the Legislature in 1989, with the intent to update the law to contemporary corporate practice.¹ The Corporate Law Revision Committee of the Business Law

¹ Chapter 89-154, L.O.F.

Section of the Florida Bar assisted in drafting the act. In 2003, the Legislature substantially revised the act.²

Shareholders' Rights

The act, among other things, entitles a shareholder to appraisal rights,³ and the right to obtain payment of the fair value of that shareholder's shares, provided that one of the following corporate actions has occurred:

- Consummation of a merger in which the corporation is a party if shareholder approval is required and the shareholder is entitled to vote on the merger, or if the corporation is a subsidiary and the merger is a parent-subsidary merger;
- Consummation of a share exchange, for which appraisal is limited to the class or series of shares exchanged;
- Consummation of certain dispositions of assets;
- Other amendments to the articles of incorporation, merger, share exchange, or disposition of assets provided certain criteria are met; and
- With regard to shares issued prior to October 1, 2003, amendments to the articles of incorporation where the shareholder is entitled to vote on the amendment and the amendment adversely affects the shareholder in specified ways.⁴

Problem Areas Identified in the Act

Practitioners have identified several areas of the 2003 revisions that they believe are cause for concern, including:

- Shares of the same class are not treated equally in terms of rights and preferences under the law.
- If a disagreement arises between a corporation and a shareholder over the fair value of the shareholder's shares which the corporation has offered to purchase because of actions taken by the corporation that affected the shareholder's appraisal rights, no provision exists to address certain civil processes, such as the initiation of a court proceeding, deadlines for filing a court proceeding, venue, and the service of pleadings.
- An incorrect cross-reference exists in s. 607.1407(3)(a), F.S., which relates to a statute of limitations for claimants in certain corporate dissolution actions. The cross-reference in current law is to s. 607.1456(10), F.S., which no longer exists. The correct cross-reference should be s. 607.1406(10), F.S., which requires a dissolved corporation or successor entity that has not followed proper procedure regarding claims to pay certain claims and obligations in full, and, where the corporation is unable to pay in full, to pay in order of priority status.
- The Department of State was inadvertently omitted as the entity to whom the dissolved corporation or successor entity files articles of dissolution when using the option of filing a "Notice of Corporate Dissolution" in a newspaper. Also, the time of expiration is

² Chapter 2003-283, L.O.F.

³ Appraisal rights were previously known as "dissenter's rights."

⁴ Section 607.1302(1), F.S.

unclear for the four-year statute of limitations for claims unknown to the dissolved corporation to be filed by certain claimants.

III. Effect of Proposed Changes:

The bill corrects and clarifies recent changes made to the Florida Business Corporation Act.

Right of Shareholders to Appraisal

Current law entitles a shareholder whose shares are issued before October 1, 2003, to appraisal rights and to payment of the fair value of the shareholder's shares, if the corporation's articles of incorporation are amended in certain ways⁵ that adversely affect the shareholder's rights and the shareholder is entitled to vote on the amendment. The bill extends these shareholder rights to a shareholder whose shares are authorized on or after October 1, 2003, if the shares are within a class prescribed in the articles of incorporation before October 1, 2003.

Fair Value of Shares

The bill provides for certain rights and procedures regarding shareholder proceedings:

- If a shareholder demands payment from a corporation for the shareholder's shares, and the parties cannot agree on the fair value of the shares, the corporation must bring a proceeding within 60 days after receiving the demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation fails to initiate a proceeding within the 60 days, the shareholder is authorized to initiate a proceeding in the name of the corporation.
- The proceeding must be brought in the appropriate court of the county in which the corporation's principal or registered office is located, or in the court of the county where the principal office or registered office of a domestic corporation that merged with a foreign corporation was located at the time of the transaction.
- All shareholders, both in and out of state, whose demands remain unsettled must be made parties to the proceeding, and are required to be served with the initial pleading by the corporation, if the corporation initiates the proceeding, in a certain manner.
- The jurisdiction of the court is complete and exclusive.
- The court is authorized to appoint appraisers to recommend a fair value for the shares.

⁵ Section 607.1302(1)(e)1.-7., F.S., lists the possible adverse actions, which are: altering or abolishing any preemptive rights attached to any of his or her shares; altering or abolishing the voting rights pertaining to any of his or her shares, except as such rights may be affected by the voting rights of new shares then being authorized of any existing or new class or series of shares; effecting an exchange, cancellation, or reclassification of any of his or her shares, when such exchange, cancellation, or reclassification would alter or abolish the shareholder's voting rights or alter his or her percentage of equity in the corporation, or effecting a reduction or cancellation of accrued dividends or other arrearages in respect to such shares; reducing the stated redemption price of any of the shareholder's redeemable shares, altering or abolishing any provision relating to any sinking fund for the redemption or purchase of any of his or her shares, or making any of his or her shares subject to redemption when they are not otherwise redeemable; making noncumulative, in whole or in part, dividends of any of the shareholder's preferred shares which had theretofore been cumulative; reducing the stated dividend preference of any of the shareholder's preferred shares; or reducing any stated preferential amount payable on any of the shareholder's preferred shares upon voluntary or involuntary liquidation.

- Each shareholder made a party to the proceeding is entitled to judgment for the fair value of the shareholder's shares, plus interest, as found by a court.
- A corporation is required to pay a judgment within 10 days after the court's final determination. The payment of the judgment relinquishes each shareholder's interest in the shareholder's shares.

Unknown Claims Against a Dissolved Corporation

Two options are available under current law for a dissolved corporation to notify the public that it has dissolved in order to give the public time to file any claims against the dissolved corporation.⁶ One option is to file a notice of dissolution with the Department of State. The second option requires the corporation to adopt articles of dissolution and then publish a "Notice of Corporate Dissolution" in a newspaper of general circulation. The bill clarifies some of the procedures for the second option. The bill provides that within 10 days of filing articles of dissolution with the Department of State, rather than within 10 days of adopting articles of dissolution, the dissolved corporation must publish a "Notice of Corporate Dissolution" once a week for two consecutive weeks in a county in the state in which the corporation has its principal office, or if none, in a county in the state in which the corporation owns real or personal property. Among other things, the notice must state that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within four years after the date of the second consecutive weekly publication of the notice.

Some claims are barred if the dissolved corporation has properly complied with either of the options for notifying the public that a corporation has dissolved. In order to bring a timely filed claim, the claim must be brought within four years after the date of filing the notice of dissolution with the Department of State or the date of the second consecutive weekly publication, as applicable.

Effective Date

This bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶ Section 607.1407(1) & (2), F.S.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The corrections in the bill provide a clearer mechanism to a corporation or a shareholder to initiate a court proceeding to determine the fair value of a shareholder's shares when there is no agreement between the shareholder and a corporation over the fair value of the shares. Additionally, shares in the same class are granted the same treatment under the bill, regardless of the date of issuance. The bill also clarifies the procedures for claims against dissolved corporations.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Under the rules of statutory construction, a section of law that cross-references another section or portion thereof that is subsequently amended does not incorporate those amendments unless the section containing the cross-reference is reenacted (republished). Otherwise, the statutory cross-reference is linked to the version of the section that existed prior to the amendment. Section 607.1302, F.S., as revised in this bill, is cross-referenced in: s. 607.1106, F.S., which relates to effects of corporate mergers or share exchanges; s. 607.1107, F.S., which addresses mergers or share exchanges with foreign corporations; s. 607.1109, F.S., which governs articles of merger; and s. 607.1321, F.S., which relates to notice of intent to demand payment. The Legislature may wish to amend the bill to republish the sections listed above in order to incorporate the bill's amendments to s. 607.1302, F.S.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. SB 2718

Amendment No. _____



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CHAMBER ACTION

SenateHouse.
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.**COMMERCE, ECONOMIC OPPORTUNITIES,
AND CONSUMER SERVICES****DATE:** 4/16/04**TIME:** 8:00 a.m.

Senator Klein moved the following amendment:

Senate Amendment (with title amendment)

On page 5, between lines 24 and 25,

insert:

Section 4. For the purpose of incorporating the amendment made by this act to section 607.1302, Florida Statutes, in references thereto, paragraph (g) of subsection (1) and subsection (2) of section 607.1106, Florida Statutes, are reenacted to read:

607.1106 Effect of merger or share exchange.--

(1) When a merger becomes effective:

(g) The shares (and the rights to acquire shares, obligations, or other securities) of each corporation party to the merger that are to be converted into shares, rights, obligations, or other securities of the surviving or any other corporation or into cash or other property are converted, and the former holders of the shares are entitled only to the rights provided in the articles of merger or to their rights under s. 607.1302.

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1 (2) When a share exchange becomes effective, the
2 shares of each acquired corporation are exchanged as provided
3 in the plan of exchange, and the former holders of the shares
4 are entitled only to the exchange rights provided in the
5 articles of share exchange or to their rights under s.
6 607.1302.

7 Section 5. For the purpose of incorporating the
8 amendment made by this act to section 607.1302, Florida
9 Statutes, in references thereto, paragraph (b) of subsection
10 (2) of section 607.1107, Florida Statutes, is reenacted to
11 read:

12 607.1107 Merger or share exchange with foreign
13 corporations.--

14 (2) Upon the merger becoming effective, the surviving
15 foreign corporation of a merger, and the acquiring foreign
16 corporation in a share exchange, is deemed:

17 (b) To agree that it will promptly pay to the
18 dissenting shareholders of each domestic corporation party to
19 the merger or share exchange the amount, if any, to which they
20 are entitled under s. 607.1302.

21 Section 6. For the purpose of incorporating the
22 amendment made by this act to section 607.1302, Florida
23 Statutes, in references thereto, paragraph (g) of subsection
24 (1) of section 607.1109, Florida Statutes, is reenacted to
25 read:

26 607.1109 Articles of merger.--

27 (1) After a plan of merger is approved by each
28 domestic corporation and other business entity that is a party
29 to the merger, the surviving entity shall deliver to the
30 Department of State for filing articles of merger, which shall
31 be executed by each domestic corporation as required by s.

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1 607.0120 and by each other business entity as required by
2 applicable law, and which shall set forth:

3 (g) If the surviving entity is another business entity
4 formed, organized, or incorporated under the laws of any
5 state, country, or jurisdiction other than this state:

6 1. The address, including street and number, if any,
7 of its principal office under the laws of the state, country,
8 or jurisdiction in which it was formed, organized, or
9 incorporated.

10 2. A statement that the surviving entity is deemed to
11 have appointed the Secretary of State as its agent for service
12 of process in a proceeding to enforce any obligation or the
13 rights of dissenting shareholders of each domestic corporation
14 that is a party to the merger.

15 3. A statement that the surviving entity has agreed to
16 promptly pay to the dissenting shareholders of each domestic
17 corporation that is a party to the merger the amount, if any,
18 to which they are entitled under s. 607.1302.

19 Section 7. For the purpose of incorporating the
20 amendment made by this act to section 607.1302, Florida
21 Statutes, in references thereto, subsection (1) of section
22 607.1321, Florida Statutes, is reenacted to read:

23 607.1321 Notice of intent to demand payment.--

24 (1) If proposed corporate action requiring appraisal
25 rights under s. 607.1302 is submitted to a vote at a
26 shareholders' meeting, or is submitted to a shareholder
27 pursuant to a consent vote under s. 607.0704, a shareholder
28 who wishes to assert appraisal rights with respect to any
29 class or series of shares:

30 (a) Must deliver to the corporation before the vote is
31 taken, or within 20 days after receiving the notice pursuant

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Amendment No. _____



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1 to s. 607.1320(3) if action is to be taken without a
2 shareholder meeting, written notice of the shareholder's
3 intent to demand payment if the proposed action is
4 effectuated.

5 (b) Must not vote, or cause or permit to be voted, any
6 shares of such class or series in favor of the proposed
7 action.

8
9 (Redesignate subsequent sections.)

10
11
12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 1, line 16, after the semicolon

15
16 insert:

17 reenacting ss. 607.1106(1)(g) and (2),
18 607.1107(2)(b), 607.1109(1)(g), and
19 607.1321(1), F.S., relating to effect of merger
20 or share exchange, merger or share exchange
21 with foreign corporations, articles of merger,
22 and notice of intent to demand payment, to
23 incorporate the amendment to s. 607.1302, F.S.,
24 in references thereto;

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1586

SPONSOR: Regulated Industries Committee and Senator Constantine

SUBJECT: Swimming Pool and Spa Contracting

DATE: March 29, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CP	Favorable
2.	Oxamendi	Imhof	RI	Favorable/CS
3.	Kruse <i>MC</i>	Maclure <i>Maclure</i>	CM	
4.				
5.				
6.				

I. Summary:

The committee substitute amends the law requiring registration of specialty contractors to permit a person to perform specialty contracting services for the construction, remodeling, repair, or improvement of a swimming pool or spa without having to obtain a local professional license. The committee substitute requires that the specialty contractor be supervised by a certified or registered commercial pool/spa contractor, residential pool/spa contractor, or swimming pool/spa servicing contractor acting within the scope of the supervising contractor's license.

The committee substitute requires local authorities to allow registration of a person wishing to perform specialty contracting as an alternative to any required local specialty contractor license or a local certificate of competency related to swimming pool/spa services. The local authority may charge a fee for the registration, but the fee may not exceed the fee for the local specialty contractor license or the local certificate of competency. The local authority may not require proof of competency for the local registration, but it may require proof of workers' compensation coverage or a valid exemption from that coverage. The committee substitute further provides that local registration shall require the local registrant to contract with a certified or registered commercial pool/spa contractor, residential pool/spa contractor, or swimming pool/spa servicing contractor.

The committee substitute requires the Florida Building Commission to establish, on or before July 1, 2004, the Swimming Pool and Solar Technical Advisory Committee for the purpose of advising the commission on any matters relating to building code standards for swimming pools, spas, and solar equipment. The commission must appoint members of the committee in the same manner as members are appointed to the commission's other technical advisory boards.

This committee substitute creates section 553.8414, Florida Statutes, and amends section 489.117, Florida Statutes.

II. Present Situation:

Construction Contracting and Specialty Contracting

Section 489.107, F.S., establishes the Construction Industry Licensing Board within the Department of Business and Professional Regulation. The board enforces the provisions of part I of ch. 489, F.S., relating to construction contracting.

Section 489.113(1), F.S., requires any person who desires to engage in contracting on a statewide basis to demonstrate competency by passing an examination to be certified by the board. Unless an applicant is certified, s. 489.117, F.S., regarding registration of specialty contractors, requires any person engaged in the business of contracting in the state to be registered in the proper classification. Each certified contractor specialty requires a certain level of education and experience, and an applicant must also pass an examination administered by the board.

Section 489.113(2), F.S., prohibits any person from engaging in the business of contracting in this state unless he or she is certified or registered. However, this provision permits a person who is not certified or registered to perform construction work under the supervision of a person who is certified or registered, if the work is within the scope of the supervisor's license and if the person being supervised is not engaged in construction work which would require a license as a contractor under any of the categories listed in s. 489.105(3)(d)-(o), F.S.

Division II Contractors

Section 489.105(3)(d)-(o), F.S., specifies categories of licensure to include general, building, residential, sheet metal, roofing, air-conditioning, mechanical, swimming pool, plumbing, underground utility and excavation, and solar contractors. These contractors are described as Division II contractors.¹

As provided in s. 489.105(3)(j)-(l), F.S., swimming pool contracting categories include commercial pool/spa contractor, residential pool/spa contractor, and swimming pool/spa servicing contractor (hereafter collectively referred to as swimming pool/spa contractors).

Local Licensure

Counties and municipalities may require local professional or occupational licenses for certain specialty contracting services that are not specifically defined in s. 489.105(3), F.S., and, therefore, do not require board certification or registration.

Section 489.117(4)(e), F.S., provides an exception to these local professional licenses. It provides that any person who is not required to obtain a registration or certification under s. 489.105(3)(d)-(o), F.S., may perform specialty contracting services for the construction,

¹ Section 489.105(3), F.S., describes contractors, as defined in s. 489.105(3)(d)-(q), F.S., as Division II contractors.

remodeling, repair, or improvement of a single-family residence without obtaining a local professional license, if such person is under the supervision of a certified or registered general, building, or residential contractor. The term “supervision” does not require the existence of a direct contract between the certified or registered contractor and the person performing the specialty contracting services. This exception does not apply to swimming pool/spa construction.

Workers’ Compensation

Section 440.03, F.S., requires every employer and employee, as defined in s. 440.02, F.S., to abide by the workers’ compensation provisions of ch. 440, F.S. Section 440.02(15)(b)2., F.S., permits a corporation engaged in the construction industry to elect to exempt no more than three of its officers from the workers’ compensation requirement. Under ch. 2003-422, L.O.F., the term “officer” includes a member owning at least 10 percent of a limited liability company created and approved under ch. 608, F.S.

Section 440.103, F.S., requires every employer, as a condition to applying for and receiving a building permit, to show proof and certify to the permit issuer that it has secured workers’ compensation for its employees under ch. 440, F.S. The required proof of compensation must be in the form of any of the following documentation:

- a certificate of coverage issued by the carrier,
- a valid exemption certificate approved by the Department of Financial Services, or
- a copy of the employer's authority to self-insure.

The documentation must be presented each time the employer applies for a building permit, and each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed under s. 627.221, F.S. Under s. 440.10(1)(c), F.S., a contractor must require a subcontractor to provide evidence of workers’ compensation insurance or an exemption from that insurance.

Florida Building Commission

The Florida Building Commission was created in s. 553.74, F.S., to adopt and update the Florida Building Code. The commission is housed within the Department of Community Affairs for administrative purposes and consists of 23 members who are appointed by the Governor and confirmed by the Senate.

Section 553.8413(1), F.S., requires the Florida Building Commission to appoint members of the commission to the Education Technical Advisory Committee. The members of the committee must broadly represent the building construction industry and must consist of no fewer than 10 persons. The chairperson of the commission must annually designate the chairperson of the committee. The terms of the committee members are for two years each, and members may be reappointed at the discretion of the commission.

III. Effect of Proposed Changes:

This committee substitute provides procedures for a person to perform specialty contracting work on a swimming pool or spa without having to obtain a local professional license and establishes procedures for the Florida Building Commission to establish a Swimming Pool and Solar Technical Advisory Committee.

Registration of Specialty Contractors

The committee substitute amends s. 489.117, F.S., to permit a person who is not required to obtain registration or certification under s. 489.105(3)(a)-(i) or (m)-(o), F.S., to perform specialty contracting services for the construction, remodeling, repair, or improvement of a swimming pool or spa without having to obtain a local professional license. This exception to local licensure would not apply to any person who is required to obtain certification or registration as a swimming pool/spa contractor under s. 489.105(3)(j)-(l), F.S.

To be exempt from local licensure requirements, the person must be supervised by a certified or registered commercial pool/spa contractor, residential pool/spa contractor, or swimming pool/spa servicing contractor (hereafter collectively referred as swimming pool/spa contractor) acting within the scope of the supervising contractor's license. It is unclear whether the person practicing under this exemption must be acting within the scope of the supervising contractor's license or whether the supervising contractor must be acting within the scope of his own contractor's license.

The committee substitute provides that if a local authority requires a local specialty contractor license or local certificate of competency for any service provided by a swimming pool/spa contractor, it must also allow, as an alternative to the local license or certificate of competency, local registration of the person contracting with a supervising contractor to perform a specialty service. The local authority may charge a fee for the registration, but the fee may not exceed the fee for the local specialty contractor license or a local certificate of competency. The local authority may not require proof of competency for the local registration, but must require proof of workers' compensation coverage or a valid exemption from that coverage. The committee substitute does not specify the documentation necessary to show proof of workers' compensation coverage.

The committee substitute further provides that local registration must require the local registrant to contract with the swimming pool/spa contractor. The committee substitute does not specify the nature of the contract or require that the supervising contractor be a party to that contract.

Swimming Pool and Solar Technical Advisory Committee

The committee substitute also creates s. 553.8414, F.S., to require the Florida Building Commission to establish, on or before July 1, 2004, the Swimming Pool and Solar Technical Advisory Committee to advise the commission on any matters relating to building code standards for swimming pools, spas, and solar equipment. The commission must appoint members to the committee in the same manner as members are appointed to the commission's other technical advisory boards. Rule 9B-3.004, F.A.C. provides that the chairperson of the

commission must appoint all technical advisory committees, and further requires that the chairperson review the technical advisory committees and reappoint or replace members annually. The committee substitute requires that the Swimming Pool and Solar Technical Advisory Committee be appointed on or before July 1, 2004, but the effective date of the committee substitute is July 1, 2004. To comply with the effective date of the committee substitute, the committee will have to be appointed on July 1, 2004.

The committee must consist of no fewer than 10 persons who represent the swimming pool and solar construction industry. The chairperson of the commission must annually designate a commission member to serve as chairperson of the committee. Committee members must be appointed for two-year terms and may be reappointed at the discretion of the commission.

The committee substitute takes effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Local licensing authorities may charge a fee for local registration which does not exceed the fee for the local specialty contractor license or the local certificate of competency.

B. Private Sector Impact:

A swimming pool/spa contractor may be able to perform specialty contracting, under supervision, without having to obtain a local license or certificate of competency.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. CS for SB 1586

Amendment No. _____



633162

CHAMBER ACTION

SenateHouse

#

Consideration of
this amendment
requires a 2/3 vote
of members present

**COMMERCE, ECONOMIC OPPORTUNITIES,
AND CONSUMER SERVICES**

DATE: 3/30/04TIME: 7:30 a.m.*Jones*

Senator ~~Alexander~~ moved the following amendment:

Senate Amendment

On page 2, lines 6-16, delete those lines

and insert: does not require a local specialty contractor license or local certificate of competency for any service provided by a certified or registered commercial pool/spa contractor, residential pool/spa contractor, or swimming pool/spa servicing contractor must allow, as an alternative to the local license or certificate, local registration of the person contracting with a supervising contractor to perform a specialty service under this paragraph. The local authority may charge a fee for local registration which does not exceed \$150. The local authority may not

Bill No. CS for SB 1586

Amendment No. _____



652472

CHAMBER ACTION

SenateHouse.
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.**COMMERCE, ECONOMIC OPPORTUNITIES,
AND CONSUMER SERVICES****DATE:** 4/16/04**TIME:** 9:45 a.m.

Senator Wasserman Schultz moved the following amendment:

Senate Amendment (with title amendment)

On page 3, line 13, after the period

insert: The committee, however, may not provide advice or
issue recommendations regarding chapter 515.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, line 15, after the semicolon

insert:

limiting the authority of the committee;